

App. F. IX-4

Previous References

(1939.)
Legis

File No.

Serial Nos.

Later References.

PRESERVED

(39)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

One only

A
Part B for February 1941

SUBJECT.

The Mysore Census Act 1940



Serial
No.

Act XXIV of 1939 has been passed in the India and it provides for certain matters connected with the taking of the census on the 31st day of March, 1941

2) This may be provided out to the Govt. to enable the Govt. to take further action there. Subd with Reg. file 47-29

14/11/39) To the Govt. for kindly noting in what stage the matter is now.

4) No action has been taken in the G.H. Branch in the matter of introduction of Census Regulations in Mysore, as it is usual for the Production Br. to take action in this matter (Vide Regis. 47-29).

5) Action in regard to the Govt., and other matters relating to census ~~will~~ will be taken in this Br. (Vide Regs V & X), as soon as a communication is received from the Residency, as in the last occasion (May V).

24/11
by 22/11

This will be sent to P.W. Br., after perusal.

Secy Reg)

P.W. Br.)

22/11

The Govt of India have passed the Indian Census Act, (XXIV of 1939) recently.

A Bill on the lines of the British Indian Measure modelled on our Act of 1931 is put up for order.

The British Indian Act has been followed and following points are submitted for order:...

1. Cl 2: The appointment of a Census Commissioner distinct from Census-officers has been provided for.

This is absent from ^{our} 1931 Act. The power to appoint is purely permissive, the section is retained in

2. Cl 4. The British Indian section 4 is slightly more elaborate than the corresponding ^{our} section of 1931 Act and has been followed.

3. Cl 5. In the British Bill, the British Indian Act (S 5) has been followed but the wording of clauses (a) & (b) of section 5 of our 1931 Act has been incorporated as more suitable to Mysore. There is only one sub-clause incorporating the matter in both the British sections of 55 of the 1931 Act.

4. Cl 6: The provisions of sections 6 & 7 of the 1931 Act have been consolidated into one clause in the British Indian Measure.

5. Cl 11: There is no corresponding provision in our 1931 Act but it may perhaps remain as in British Indian Act (S 11).

6. Cl 12. Under the 1931 Act, from whom fines to be levied on the class of master-factories before whom

Serial
No.

Provisions could be included. But in the draft Bill, following the British Indian Act the class of magistrates are specified in the Act itself as the 1st magistrates and magistrates of the 1st class. The British Indian Act has the magistrates of the 2nd class also. This is submitted for orders.

Cl 14, In the 1931 Act, it was laid down that the municipal authorities may cause the census to be taken in accordance with this Act etc. Now, following the British Indian Act it is drafted to read that the municipal authorities shall do so and in consultation with the Census Commissioner or other authority appointed in this behalf by govt. This is for orders.

Cl 16 This is a new clause - follows Section 16 of the British Indian Act and it is perhaps desirable to have it in our Act also.

Another point for consideration is the procedure to be adopted in regard to this piece of legislation. It may perhaps be too late to wait for the next session of the R.A. before introducing the measure in the L.C. The next L.C. meeting is for January when the Bill may perhaps be introduced.

(2)
Section 9 (2) of the Mysore Representation Assembly Act seems to contemplate cases when a Bill need not be placed before the R.A. at all but may be passed at one sitting of the L.C. The L.C. Act and the Rules of Business & Standing Orders of the L.C. or R.A.

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Myson Census Bill.

File No.

of 19

General and Revenue
Secretariat.

Serial
No.

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vide 5.9(2) a.d. 1939

TRANSMISSION

No. 3985

is all silent about such a procedure. It is
considered that the passing of the Bill through the L.C.
at one sitting without being placed before the R.A. is
not in order, the other alternative would be to
pass it in the L.C. & place it before the R.A. thereafter
before final passing as contemplated in section 9(1)
of the R.A. Act and elsewhere.

Sd/- for order. The date in Cl 9(c) may
be the same as in the Indian
Act 34 of 1941. (see order
in Law Secretary). 22/11

The census bill will be published
under Rule 8. It follows the Act of 1931.
This bill will have to be passed at the next
L.C. sitting under the Sec 9(2) of the R.A. Act
(i.e. without reference to R.A.)

1st Member
Dewan

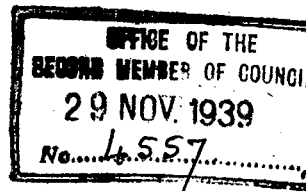
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2d. Secd Member with Compliment

AM

22/11/39

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Hygiene Census 1370

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General and Revenue
Secretariat.

File.No.

of 19

[A pp. F. III-2

Serial
No.

4125



U. OF THE
COND. M. OF COUNCIL,
1939
4708

A. D. F. N. is put up for order.

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1/12/39
mm

Law Secretary

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2nd Member C. 7/12/39

J. C. 2/12
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S. N. M. M. M.

Deivan

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6-12-39

Final Note by the Second Member of Council.

Subject.—

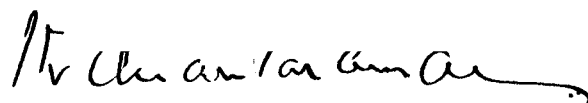
Mysore Census Bill.

The Indian Legislature has recently passed the Indian Census Act to provide for certain matters in connection with the taking of the census on 31st March 1941. As the operations have to begin in Mysore also simultaneously, it is proposed to promulgate into law a similar measure.

It is therefore proposed to introduce and pass this Bill at the next session of the Legislative Council without reference to the Representative Assembly, a procedure which is allowed in such emergencies by section 9 (2) of the Representative Assembly Act.

The Dewan and the First Member of Council have assented to this proposal.

The gracious sanction of His Highness is solicited to introduce and pass the Bill at the next session of the Legislative Council.



SECOND MEMBER OF COUNCIL.

galore,
14th December 1939.

Submitted to His Highness.

*I submit herewith a Final Note by the Second
Member of Council on the subject of Mysore Census ----.*

His Highness' gracious approval.

11/12/1914
Dewan.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Bill to provide for certain
matters in connection with the taking
of the Census of Mysore during the year
1941.

Order.

KRW
9/12/39

General and Revenue
Secretariat.

SUBJECT:—

Bill to provide for certain matters in connection with the taking of the Census of Mysore during the year 1911

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Misra

Chief Secretary to Government.

Through the Secretary to Government,

Law.....Department.

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11.12.39

FIRST MEMBER OF COUNCIL. *Nu*

12/12/39

SECOND MEMBER OF COUNCIL. (on deputations)

Law Secy. With Compliments.

Law

6/12/11

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12/12

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Serial
No.

The previous assent of His Highness was accorded on 9.12.39
to place the Bill before the

A statement of objects and reasons is put up and
after approval, it will be sent to the Hon. Mr. B. K. B. B.

into for order.

Legal Secy

13/12.39

Legal Secy

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16/12

1st Member

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16/12

MS
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MS

15/12/39

MS

14/12

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16/12

To the d.c. office

With this copy of the statement of objects and reasons

12/12.39

MS

These copies taken and for returns

Protection Branch.)

The Bill has been published under rule 8 of the Rules of Business
in the Gazette of the 21st December 1939.

~~As the Bill has been ordered to be sent~~

As it has been decided to pass the Bill in one
sitting of the d.c. at its ensuing session, the following
motions are suggested for inclusion in the agenda:—

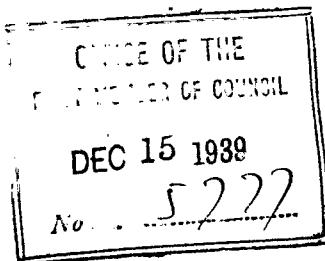
1. Motion that the Bill published under rule 8 of the Rules of Business be read in Council

Mover:

2nd Member

Second:

Law Secretary



File No.

Angson Census Bill.

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D. 1128/Le
of 19

General and Revenue
Secretariat.

Serial
No.

2. Motion that the Rules of Business and Standing
Orders be suspended and the Bill taken into consideration
at once without reference to a Select Committee

Mover: 2nd Member

Seconder: Law Secretary

3. Motion that the Bill be passed.

Mover 2nd Member

Seconder Law Secretary

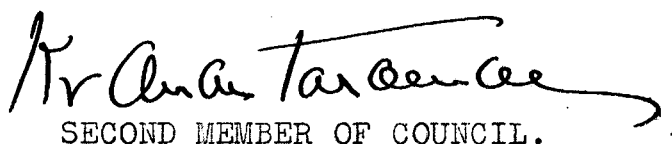
Final Note by the Second Member of Council.

—••—
into law.
Subject.— Promulgation/of the Mysore Census Bill.

On the 9th of December 1939 gracious sanction of His Highness was accorded to introduce into the Legislative Council a Bill to provide for certain matters connected with the taking of the Census of Mysore during the year 1941.

The Bill was accordingly introduced at the meeting of the Legislative Council held on the 23rd instant and being an emergent measure it was also finally passed at the same sitting.

The gracious sanction of His Highness is now solicited to promulgate the Bill into law.


SECOND MEMBER OF COUNCIL.

Bangalore,
30th January 1940.

Submitted to His Highness.

*I submit herewith a Final Note by the Second
Member of Council on the subject of the promulgatio
into law of the Mysore Census Bill*

for His Highness's gracious approval.

Bangalore,
31st January 1940.

Mirza I
Dew

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Promulgation into law of
the Mysore Census Bill.

SUBJECT:—

Promulgation into law of the Mysore
Census Bill.

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31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. S. Srinivasulu
Chief Secretary to Government.

Through the Secretary to Government,
Law Department Department.

FIRST MEMBER OF COUNCIL. *M. S. S.*
572/40

SECOND MEMBER OF COUNCIL. *M. S. S.*
52

Law Secy with Compliments
M. S. S.
572/40
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7474
5.2.40

6347
5.2.40

Serial
No.

The gracious assent of His Highness was accorded on the 1st February
1940 to promulgate the Bill into law

A Draft G.O. Directing Publication of the Act as Act IX of 1940
is put up.

See Serial 67

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The draft is for approval.

Don
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Issued G.O. P 5473 - Leg 45-39-1 dated

10th February 1940.

No Act has been published in the Gazette (P.T.U.)
of the 22nd February 1940.

THE MYSORE CENSUS ACT, 19--.

An Act to provide for certain matters in connection with the taking of the census.

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows:-

1 (1). This Act may be called the Mysore Census Act, 19--.

(2). It extends to the whole of Mysore.

2 (1). The Government may appoint a Census Commissioner to supervise the taking of the census throughout Mysore.

(2) The Government may ^{any} also appoint persons ~~as census officers~~ to take, or aid in, or supervise the taking of, the census within any specified local area. *Persons so appointed shall be called Census officers.*

(3). A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

3. ~~The Census Commissioner and~~ ^A all census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

4 (1) (a) Every officer in command of any body of men belonging to the Military Forces of His Highness the Manaraja,

(b) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public, charitable, religious or educational institution,

(c) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house, emigration depot or club,

(d) every manager or officer of a railway or any commercial or industrial establishment, and

(e) every occupant of immovable property wherein at the time of the taking of the census persons are living,-

shall, if so required by the District Magistrate or by such authority as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon-

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land-revenue, or their agents,

(b) all village officers and servants in alienated tracts including Inam and Kayamgutta villages and Jahgirs, and

(c) all members and officers of Village Panchayats, District boards and Municipal Councils and other local authorities and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas or which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

6.(1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to do.

(2) Every person of whom any question is asked under subsection (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the custom of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

8 (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

9 (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such

duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access there as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the ^{31st day of March} 1941 any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,-

shall be punishable with fine which may extend to five hundred ~~xxx~~ rupees.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. No Court inferior to that of a ~~District Magistrate~~ or a Magistrate of the ^{second} ~~first~~ class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

13. No person shall have a right to inspect any ~~book~~, register or record made by a census-officer in the discharge of his duty or such, or any schedule delivered under section 8. and notwithstanding

anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority, in consultation ~~with the Census Commissioner or~~ with such ~~other~~ authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, ~~xxxx~~ or village funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village fund constituted for, and on behalf of, the area within which such expenses were incurred.

16. The Census Commissioner or such person as the Government may authorise in this behalf may, if he so thinks fit, at the request and at cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns for Mysore, being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

16 17. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing-

(a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(b) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision;

Statement of Objects and Reasons

The Indian Legislature has recently passed the Indian Census Act, 1939, to provide for certain matters in connection with the taking of the next decennial census in the year 1941. As statutory sanction is necessary for simultaneous operations in Mysore, it is proposed to pass into law a similar measure here.

The proposed Bill contains the usual provisions relating to the appointment of Census Officers, the enumeration of persons who may be called upon to discharge the duties of a Census Officer, the power to call upon certain persons to give assistance in the taking of the census, the nature of questions that may be put by Census Officers and the obligation to answer them etc., and is modelled on the Mysore Census Act, 1930 and the British Indian Act of 1939

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NOTIFICATION.

*No. 3365—L. C., dated Bangalore, the 18th
December 1939.*

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Census Bill is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYER,
*Secretary,
Mysore Legislative Council*

THE MYSORE CENSUS BILL

A Bill to provide for certain matters in connection with the taking of the census.

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census:

It is hereby enacted as follows :—

1. (a) This Act may be called the Mysore Census Act 19 .
- (b) It extends to the whole of Mysore.

2. (1) The Government may appoint any person to take, or aid in, or supervise the taking of, the census within any specified local area. Persons so appointed shall be called census-officers.

(2) A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (1).

3. All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

4. (1) (a) Every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(b) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public charitable, religious or educational institution,

(c) every keeper, secretary or manager of an *chattram*, hotel, boarding-house, lodging-house, emigration depot or club,

(d) every manager or officer of a railway or any commercial or industrial establishment, and

(e) every occupant of immovable property wherein at the time of the taking of the census persons are living.

shall, if so required by the District Magistrate or by such authority as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of the Act relating to census officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under Section 187 of the Indian Penal Code, as in force in Mysore.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue or their agents,

(b) all village officers and servants in alienated tracts including inam and kayamgutta villages and *thegirs*, and,

(c) all members and officers of village *panchayats*, district boards and municipal councils and other local authorities and servants of such authorities,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are

at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief :

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purpose of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

8. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer as the case may be shall fill

it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

9. (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief any question asked of him by a census officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the 31st day of March, 1941, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—
shall be punishable with fine which may extend to five hundred rupees.

10. - No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. No Court inferior to that of a Magistrate of the Second Class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duties as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority in consultation with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for any thing done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing:—

(a) for the appointment of census-officers and other persons to perform any of the duties of census-officers or

to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(b) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

Statement of Objects and Reasons.

The Indian Legislature has recently passed the Indian Census Act, 1939, to provide for certain matter in connection with the taking of the next decennial census in the year 1941. As statutory sanction is necessary for simultaneous operations in Mysore, it is proposed to pass into law a similar measure here.

The proposed Bill contains the usual provisions relating to the appointment of census-officers, the enumeration of persons who may be called upon to discharge the duties of a census-officer, the power to call upon certain persons to give assistance in the taking of the census, the nature of questions that may be put by census-officers and the obligation to answer them, etc. and is modelled on the Mysore Census Act of 1930 and the British Indian Act of 1939.

Section. *Legis*
File No. *45-39*
Serial No. *1*

Proceedings of the Government of
H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. *P 8473 / Dec 1.*

GENERAL AND REVENUE SECRETARIAT,)

()

, the.....191.....

Date of issue.....*10/2/40.*

Signed by.....*Mr. C.S.A.*

Ordered that the accompanying *Act to*
provide for certain matters in Conn
with the taking of the Cen

which received the assent of His High
ness the Maharaja, on the.....*182*
day of.....*February*.....191*40*
be published as Regulation No. *Act* *IX*
of 191*40*, in the Mysore Gazette for gene
ral information.

May this be—

(i) Printed?

(ii) Treated as a star

(iii) Published in the
part?

(v) Translated?

v) Placed at the disposal of the Press?

i) Published in the "Gazette" Kannada
part?

Secretary to Government

Law Dept

10

The Compiler, Mysore Gazette,
publication in Part III of the Gazette, in
English and Kannada and for supply of *spare copies on*
.....spare copies in English, and *for standing*
.....spare copies in Kannada to *Orders*
this office, and.....spare copies
in English and.....spare copies
in Kannada to the Curator, Government
Central Book Depot, Bangalore. Proofs
should be sent to this office
before publication.

Ordered that the accompanying Act to amend for certain matters in connection with the taking of the Census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the Mysore Gazette for information.

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada and for supply of spare copies as per Standing Orders. Proofs should be sent to this office for approval before publication.

ACT No. IX OF 1940.

THE MYSORE CENSUS ACT, 1940.

**An Act to provide for certain matters in connection with
the taking of the census.**

NOTIFICATION.

*Order No. P. 5473—Legis. 45-39-1, dated Bangalore,
the 10th February 1940.*

Ordered that the accompanying Act to provide for certain matters in connection with the taking of the census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,
Law Department.*

ACT No. IX OF 1940.

THE MYSORE CENSUS ACT, 1940.

**to provide for certain matters in connection with
the taking of the census.**

*(Received the assent of His Highness the Maharaja on the
first day of February 1940.)*

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

1. (a) This Act may be called the Mysore Census Act, 1940.

(b) It extends to the whole of Mysore.

2. (1) The Government may appoint any person to take, or aid in, or supervise the taking of, the census within any specified local area. Persons so appointed shall be called census-officers.

(2) A declaration in writing, signed by any authority authorised by the Government in this behalf,

or any local area shall be conclusive proof of such appointment.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census officers conferred by sub-section (1).

3. All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

4. (1) (a) Every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(b) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public charitable, religious or educational institution,

(c) every keeper, secretary or manager of a chattram, hotel, boarding-house, lodging-house, emigration depot or club,

(d) every manager or officer of a railway or an commercial or industrial establishment, and

(e) every occupant of immovable property where at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Government may appoint in the behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of the Act relating to census officers shall apply, so far as may be, to all persons who are performing such duties under this section and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area may, by written order which shall have effect throughout the extent of his district or of such local area as the case may be, call upon—

(a) all owners and occupiers of land, tenants, hereditary and farmers and assignees of land revenue, or their agents

(b) all village officers and servants in alienated tracts including inam and khayamgutta villages and jahgirs, and

(c) all members and officers of village panchayets, district boards and municipal councils and other local authorities and servants of such authorities,—
to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Asking of questions and obligation to answer.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purpose of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier to permit access and affixing of numbers.

8. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier

Occupier or manager to fill up schedule.

of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

9. (a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(d) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(e) any person who removes, obliterates, alters or damages before the 31st day of March, 1941, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(f) any person who, having been required under section 8 to fill up a schedule, knowingly and without

unintentionally fails to comply with the provisions of the section, or makes any false return thereunder, shall be punishable with fine which may extend to five hundred rupees.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

Sanction required for prosecution.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law or any act or omission which constitutes an offence under this Act.

Operation of other laws not barred.

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

12. No Court inferior to that of a Magistrate of the second Class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

Jurisdiction.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duties as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Record of census not open to inspection nor admissible in evidence.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority, in consultation with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Temporary suspension of other law as to mode of taking census in municipalities.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for any thing done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

Power in regard to expenses.

Power to
to make rules.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing,—

(a) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(b) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

MIRZA M. ISMAIL,

Deputy Secy.